

Official Minutes for Webb County Commissioners Court Meeting

Tuesday, October 12, 2004 and continuing
Wednesday, October 13, 2004 at 1:00 PM
(Approved 11-08-2004)

- Item No. 1 Call to order by Judge Louis H. Bruni
Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 1:00 p.m. at the regular meeting place with the following members present to wit:

Louis H. Bruni	County Judge
Jerry Vasquez	Commissioner, Pct. 1
Judith Gutierrez	Commissioner, Pct. 2
Felix Velasquez	Commissioner, Pct. 3
David Cortez	Commissioner, Pct. 4

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 6th and 8th of October 2004. Present also were Ms. Nora Elia Prado, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

- Item No. 2 Roll Call – Margie Ramirez Ibarra, Webb County Clerk

- Item No. 3 Pledge of Allegiance – Led by All

Judge Bruni held a moment of silence in memory of Mrs. Claudia Ramirez, Sheriff's employee, who along with her unborn baby and mother (Eva Chamberlain), passed away on October 6th.

- Item No. 7 Public Comment

Public Comments were taken during the respective items.

Cmr. Gutierrez motioned to move up Item No. 20. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 20 Video Presentation and Awards Presentation on Las Penitas Community Park. Presentation of Awards to Land Donors: Mr. Seymon

Deutsch, Mr. Abe Wilson and recognition of Commissioner Miguel "Mike" Urdiales (Posthumous).

Cmr. Cortez stated that former Cmr. Mike Urdiales shared a vision to create a park in Las Penitas with Mr. Abe Wilson and Seymon Deutsch. He stated that this vision has now become a reality for the residents of Penitas.

Cmr. Vasquez stated that Mr. Wilson was a Martin High School graduate of 1955 and graduated from UT Law School in 1964.

Cmr. Gutierrez stated that Mr. Deutsch graduated from Trinity University with a degree in business and was named the 2004 "Rancher of the Year."

Cmr. Velasquez stated that former Cmr. Urdiales was a Martin High School graduate and self taught accordion player. He was an Air Force veteran during the Vietnam Era. He dedicated his life to public service and served as County Treasurer from 1988-1994 and Commissioner from 1998-2002.

Judge Bruni stated that he had known Mr. Deutsch for many years and thanked him for his dedication to the community. He stated that Mr. Wilson was a pillar of the community. He stated that former Cmr. Urdiales was a fine member of the court and a great public servant.

Cmr. Vasquez stated that former Cmr. Urdiales held Mr. Deutsch and Mr. Wilson in high esteem and spoke the world of them. He stated that the loss of former Cmr. Urdiales was a deep loss for the community and was grateful to have served with him for two years.

Cmr. Gutierrez stated that former Cmr. Urdiales wanted something for the colonias and worked very hard on this project, which is a dream come true for the community. She stated that he served with great distinction and honor.

Cmr. Velasquez stated that he echoed Cmr. Vasquez and Cmr. Gutierrez's comments. He stated that it was an honor to work with former Cmr. Urdiales on several dream projects. He thanked Mr. Deutsch and Mr. Wilson for their generous donation to make this dream a reality.

Plaques were presented to Mr. Deutsch, Mr. Wilson and Mrs. Urdiales, widow of Cmr. Urdiales. Cmr. Cortez presented awards to court members, Mr. Juan Vargas, Ms. Pena and Veronica for the hard work they put in making this project a reality.

Cmr. Gutierrez motioned to move up Item No. 17. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 17 Discussion and possible action to approve a Proclamation "The Sisters of Mercy 111th Anniversary Celebration of their arrival to Laredo, Texas".

Cmr. Gutierrez stated that this was a great occasion and cause for recognition of their effort to help the less fortunate in Laredo. She read the proclamation to the public.

Item No. 12 Discussion and possible action to approve a Proclamation declaring November as "Official Home Care and Hospice Month".

Judge Bruni read the proclamation to the public.

Cmr. Cortez motioned to move up Item No. 21. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 21 Proclamation commending Mr. Miguel Trevino, Jr. CEO, Gateway Community Health Center, Inc., as a recipient of the John Gilbert Award, the highest Community Healthcare Award of Excellence bestowed annually by the National Association of Community Health Centers.

Cmr. Cortez read the proclamation to the public.

Mr. Mike Treviño stated that it was an honor and a privilege to receive the award as well as the recognition he has received by this court. He stated that his staff and providers deserve recognition for the award as well for the hard work they put in.

RECESS (2:00 p.m. to 2:18 p.m.)

Cmr. Gutierrez motioned to approve Item No. 12, No. 17 and No. 21. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Gutierrez motioned to continue the meeting starting on Item No. 8. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 4 Approval of minutes – September 13, 2004

Cmr. Velasquez motioned to table Item No. 4. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 8 Presentation on services provided by "Laredo Veterans Center". [Co-Sponsored by Commissioner David R. Cortez]

Ms. Angelica Garza, Laredo Veterans Center, stated that the Laredo Veterans Center was established in 1979 and opened in Laredo in 1980. She stated that they offer psychological and readjustment counseling, grief counseling for family of servicemen killed in combat, as well as offering benefit referrals. She stated that she would submit more detailed information to court members at a later date.

Item No. 9 Discussion and possible action to reinstate the Webb County Veteran's Service Office by transferring and reclassifying available position as veterans service officer. The Court may select any existing employee position for this purpose.

Cmr. Vasquez motioned to transfer Investigator slot from the County Attorney's Office effective January 1st. Cmr. Velasquez seconded the motion.

Mr. Homero Ramirez, County Attorney, stated that the slot needed to be clarified since there are several investigators in his office. He stated that he believed that the court was referring to the slot of Constituent Relations Officer which was transferred to the County Attorney's office during the budget approval. He stated that because he is an elected official, the court would need his acquiescence. He would like to meet with the Court to discuss the possibility of finding another slot for his office due to the high number of cases.

Cmr. Cortez brought up the possibility of utilizing the Deputy Director slot for the Indigent Services to prevent the removal of Mr. Ramirez's much needed staff. He requested that Mr. Cantu be brought back as the Interim Veterans Officer. Cmr. Velasquez stated that he would prefer to have this be effective immediately and from the Deputy Director slot. Mr. Ramirez advised the court that they could not appoint anyone at this time and would have to be placed at the next agenda if the court decided.

Cmr. Vasquez amended his motion to be effective immediately.

He stated that his intention was to transfer a slot, appoint Mr. Cantu as Interim Veterans Service Officer pending the Request for Qualifications.

Mr. Ramirez stated that the Constituent Relations Officer position would not be transferred until January 1st. He stated that by transferring the slot effective immediately, they would in effect terminate that employee.

Cmr. Vasquez rescinded his amendment.

Cmr. Velasquez stated that one of the court's duties is to evaluate department heads every year. He does not understand why Mr. Cantu's evaluation was done earlier and felt that it was politically motivated. He stated that he initially proposed the closing of the Veterans Service Office as a way to balance the budget. He stated that he voted against the item once staff brought other savings to balance the budget. Cmr. Gutierrez stated that no veterans have lost any benefits or services since Ms. Mendoza has been assisting veterans as requested by the court since October 1st. She stated that Mr. Mike Mendoza from San Antonio also comes down to assist Ms. Mendoza several times during the month.

Judge Bruni stated that item was to reclassify a slot to Veterans Service Officer but not the rehire previous VSO. He stated that although he voted to eliminate the department, he has been convinced of his error and stated that issue has become politicized. He stated that this was for the betterment of the community.

Cmr. Vasquez restated his motion to transfer the Constituent Relations slot to Veterans Service Officer effective January 1st. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 10 Discussion and possible action to direct the Webb County Purchasing Agent to solicit requests for qualifications for a Webb County Veterans Service Officer.

Cmr. Vasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Luis Diaz De Leon was present to address the court on Item No. 9 & 10. He stated that today was the "Día de La Raza." He came to speak in favor of Item No. 9. He stated that the past should remain in the past and the court should look forward to the future.

Mr. Oscar Moran was present to address the court on Item No. 9. He stated that he has worked with Ms. Mendoza and she has been very helpful. He thanked Constable Tino Juarez for allowing the Laredo Veterans Coalition to utilize his building for their meetings.

Mr. Jose Luis Munoz was present to address the court on Item No. 9. He stated that Ms. Mendoza was doing an incredible job but that the court should not forget about its veterans. He stated that there has been a lot of criticism regarding this position but that it is needed as well as all the assistance that can be given to veterans.

Judge Bruni motioned to move up Item No. 23. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Cortez expressed concerns about Constable Juarez permitting groups to hold meetings in a county building. He stated that he was not against it and requested an item to address this concern be placed on an upcoming agenda.

Item No. 23 Discussion and possible action to enter into Third Party Funding Agreements as Follow:

General Fund:

Sacred Heart Children's Home	\$11,250.00
Texas State Guard	\$2,250.00
TAMU Dance Ensemble	\$1,130.00
Ruthe B. Cowl	\$67,500.00
Boys and Girls Club of Laredo	\$18,750.00
Laredo Development Foundation	\$71,250.00
Border Area Nutrition Council	\$33,750.00
Laredo Crime Stoppers	\$1,500.00
Laredo Regional Food Bank	\$7,500.00
Webb County Soil and Conservation District	\$3,000.00
Bethany House of Laredo	\$9,370.00
Children's International Advocacy Center	\$45,000.00
Literacy Volunteers of America	\$1,130.00
CASA-Voz de Los Ninos	\$3,750.00
South Texas Council on Alcohol & Drug Abuse	\$26,230.00
Mercy Ministries	\$7,500.00

Hotel Motel Fund:

Webb County Heritage Foundation	\$50,000.00
Webb County Historical Commission	\$4,200.00
Laredo Chamber of Commerce	\$125,800.00
Hotel Motel Association	\$4,200.00
Washington's Birthday Celebration Association	\$8,400.00
Laredo Children's Museum	\$25,200.00
Society of Martha Washington	\$4,200.00
Princess Pocahontas Council	\$4,200.00
LULAC Council No. 12	\$5,000.00
L.I.F.E.	\$3,400.00
Texas Special Olympics	\$8,400.00
Latin Hall of Fame	\$9,200.00
Miss Laredo Production, Inc.	\$8,400.00
Streets of Laredo	\$10,100.00

Health and Welfare Fund:

Laredo Animal Protective Society	\$32,000.00
Gateway Community Health Center	\$150,000.00

and authorizing the County Judge to execute all relevant documents.

Cmr. Velasquez clarified that the monies allotted to the Ms Texas Pageant would be for the local pageant and not the state pageant. Judge Bruni requested that the funding for Ruthe B. Cowle be reinstated to \$90,000 and be placed under the Health and Welfare Fund. Mr. Homero Ramirez, County Attorney, advised the court to approve the item as presented and if they wish to adjust the amount for Ruthe B. Cowle, the item can be brought before the court along with a line item transfer to fund the additional monies as well as to re-classify under the Health & Welfare Fund.

Mrs. Cowle thanked the court for their consideration in reinstating their prior funding. She stated that they are a medical facility as well as the 1st accredited rehabilitation center in Texas. She stated that the center has received referrals for their services from all over the U.S.

Cmr. Vasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Gutierrez motioned to move up Item No. 16. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 16 Discussion and possible action to authorize the County Purchasing Agent to transfer security services for the new Self-Help Center building and upgrading the security system to include six security cameras and monitoring equipment. Authorization to enter into required agreements for the security system upgrades. The cost for the relocation of services and installation of new security equipment is six thousand sixty dollars. Action to approve the transfer of funds from Park Development Series 2002 to Capital Outlay series 2002.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Mr. Eloy Ramirez, Purchasing Agent, stated that he would like to obtain additional quotes.

Cmr. Gutierrez clarified her motion to transfer the funds necessary and have the Purchasing Agent proceed as per the County Attorney's recommendation.

Mr. Homero Ramirez, County Attorney, stated that due the amount of this item is less than \$25,000, the Purchasing Agent would only need to bring a recommendation to the Court. Any purchases over \$25,000 would have to go out for bids.

Motion carried 5-0 by unanimous consent.

Cmr. Velasquez motioned to move up Item No. 18 and No. 15. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 18 Discussion and possible action to reserve the date(s) in October or November 2004 for the annual evaluations for the department heads and other employees (directors, superintendent of road and bridge, and commissioner court's administrator) who are under the supervision of the commissioner's court.

Cmr. Velasquez recommended the 1st or 2nd week of November. Cmr. Gutierrez stated that Mr. Jose Luis Rodriguez, Road & Bridge Superintendent, had been evaluated in June and did not see need to re-evaluate so soon.

Staff was instructed to contact court members to see what dates were most convenient.

Cmr. Gutierrez motioned to exclude Mr. Jose Luis Rodriguez from the evaluations. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 15 Discussion and possible action to approve line item transfers from Park Development Precinct 1 bond proceeds Series 2001 and 2002 to Justice of the Peace Courthouse Precinct 2, Places 1 and 2 bond proceeds Series 2001-and 2002, as follows:

From:	678-8103-8710-1	\$314,000.00	Park Development, Series 2001
To:	679-8105-8103	\$314,000.00	Construction in Progress, Series 2001
From:	695-6004-8710-1	\$248,000.00	Park Development, Series 2002
To:	689-1046-8601	\$248,000.00	Justice of the Peace CIP, Series 2002

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Cmr. Cortez motioned to table Item No. 15. Cmr. Velasquez seconded the motion.

Mr. Homero Ramirez, County Attorney, recommended that the court address the first motion made before the second one.

Mr. Leo Flores, County Auditor, sated that the monies borrowed from the bond series was not enough to complete the project. He stated that the contractor has a bill of \$500,000 pending. He stated that all amendments to the project were approved by the court. Mr. Carlos Villarreal, Court Executive Administrator, stated that he had

indicated to the court that the bond proceeds would need to be transferred and that the amount of funds needed have not changed. Judge Bruni assured Court members that he has monies available for parks if needed in the future.

Motion carried 5-0 by unanimous consent. (Motion made by Cmr. Gutierrez)

Vote was not taken for Cmr. Cortez's motion.

Cmr. Gutierrez advised the court that she needed to leave. She will be attending a conference regarding health care.

Item No. 11 Status report on the drilling of the Webb County water well # 1 into the Carrizo-Wilcox aquifer

Mr. Nathan Bratton, Assistant County Attorney, stated that a contract regarding this matter would be presented at the next meeting. He stated that a few issues remain to be ironed out.

Item No. 13 Status report on the Youth Village Project

Mr. Tomas Rodriguez, County Engineer, stated that the contract for this project has been executed and property owner has confirmed start of platting. He stated that soil testing is in progress.

Item No. 14 Discussion and Possible Action Authorizing the increase of the Budget for the Jail Renovations & Repairs from \$298,840.00 to \$398,840.00, including approval of line item transfers using Certificate of Obligation Series 2003;

From:	Rain Enhancement Program	\$100,000.00
To:	Right-of-Way Acquisition for Colonias for Roads & Drainage Studies and Other County Improvements	\$100,000.00

Cmr. Velasquez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 4-0 with Cmr. Gutierrez not present.

Item No. 5 Approval of bills, payroll and monthly reports

Ms. Delia Perales, County Treasurer, submitted side bills for the prior fiscal year that needed to be cleared out and stated that a late penalty of 50% was being assessed due to late payroll reports. Cmr. Velasquez stated that an arbitrage payment is also shown in her report and is due interest earned on bonds issued. He stated that the penalty is charged when the interest earned on bonds issued is higher than the monies spent on the project. Mr. Leo Flores, County Auditor, stated that no penalty was paid and doesn't understand why Ms. Perales would state that it was. He stated

that IRS Form 8038T, Line 18 shows that no penalty was charged. He stated that the penalty is waived since the rebate was submitted within 180 days. He stated that as per Ms. Rebecca Vega, First Southwest Securities, who advised Ms. Perales that no penalty was included in the arbitrage payment. He stated that this is no penalty but a rebate of the additional interest earned. He stated that the additional \$43.02 paid is for interest on the rebate.

Ms. Perales requested payment for the Utility Bills as soon as she received them. She stated that the Auditor then advised her to send them to the County Attorney for his recommendation. Mr. Leo Flores, County Auditor, stated that utility bills from the golf course should be forwarded to the County Attorney's Office. He stated that there is a contract amendment pending which would determine who would be responsible for utilities. He stated that the County Attorney would screen the bills, make a recommendation and present them to the County Auditor for approval. He stated that bills cannot be paid without County Auditor approval and doesn't understand why Ms. Perales is bringing them for Court approval when they must go through the County Attorney. He stated that there are bills from February through July from United Water that have nothing to do with the Golf Course but for vending machines operated by Road & Bridge. He stated that there are bills pending from 2003 which should have been paid a long time ago.

Mr. Carlos Villarreal, Court Executive Administrator, concurs with Mr. Flores' recommendation. He stated that he was aware of other projects authorized by the court that he has signed off on for capital improvement of the golf course. He stated that these bills then go before the County Attorney after which he has no involvement in the procedure.

Judge Bruni expressed concerns about not paying bills on time. He advised Ms. Perales that if the bills are approved by the County Auditor, she should pay them immediately. Ms. Perales stated that she submitted the request for payment to the County Auditor but has not been submitted.

Ms. Perales stated that she returned a bill submitted by Mr. Carlos Villarreal for the South Texas Mexico Border Coalition for clarification. She stated that she first returned the bill because the invoice did not have a description of what was being paid, just the amount due. She stated that the statement has been submitted but brought this before the court since it was being charged to Professional Services. She stated that this request was for membership dues and wanted to charge this to a budget that has a dues and memberships line item. Mr. Villarreal stated that this coalition represents all border counties through Professional Services. He stated that Webb County is the only county who has not paid their dues. Ms. Perales also expressed concerns about a payment request submitted by Mr. Villarreal for the Veterans Coalition for veterans' assistance. Mr. Villarreal stated that the county is only paying for direct assistance to veterans and does not pay for office overhead. Mr. Flores stated that the only problem with paying these requests is Ms. Perales' questioning of Mr. Villarreal's authority to submit request for payment after it has been scrutinized by more than one person. Ms. Perales stated that she had the right

to question bills if they do not have proper documentation or if she has any concerns about paying them. Cmr. Velasquez stated the possibility of establishing a finance committee to review the smaller bills being questioned. Judge Bruni expressed concerns about the amount of time is being taken to pay bills.

RECESS (4:15 pm to 4:25 pm)

Mr. Leo Flores, County Auditor, submitted his monthly report. He stated that there was a gap of approximately \$2.3 million between revenues and expenditures. He stated that some bills have not been posted but would not exceed \$1 million. He stated that this would bring the Fund Balance to \$8.9 million. He stated that in order to maintain the 15% required by the bonding companies, the fund balance would need to be at least \$7.8 million. He stated that the majority of departments stayed below the 100% of expenditures. Cmr. Velasquez congratulated all those departments that did not exceed or meet their expenditures.

Cmr. Velasquez motioned to accept the Treasurer's Report and Auditor's Report. Cmr. Vasquez seconded the motion.

Motion carried 4-0 with Cmr. Gutierrez not present.

Item No. 6 Communications

There were no communications.

Cmr. Velasquez motioned to move up Item No. 19, No. 33, No. 54, No. 55 and No. 56. Cmr. Vasquez seconded the motion.

Motion carried 4-0 with Cmr. Gutierrez not present.

Item No. 19 Discussion and possible action to approve the acceptance of the Las Penitas Community Park as recommended by the project architect, Mr. Jose Calzada, Arquitectura, S. A. and that all final bills and retainage be approved.

Cmr. Cortez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Gutierrez not present.

Item No. 33 Discussion and Possible Action Authorizing Ratification of Change Orders No. 1, 3 & 4 in the amount of \$19,773.00 and Authorizing Deduct Change Order No. 5 in the amount of \$277.00 to Zertuche Construction for the installation of six pipe bollards with cable, water line, replacement of existing windows with glass block, rental of

equipment and light fixtures for the Oilton & Mirando Community Center Parks.

Cmr. Velasquez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Mr. Tomas Rodriguez, County Engineer, stated that the contractor felt that the contingency line item allowed him to make change orders as they felt necessary to finish the job on time. Mr. Jose Calzada stated that the contractor understood that the work was done without prior court approval but was done to complete the project on time. He stated that the work done was needed to continue the project without further delay. Mr. Rodriguez stated that he was advised by Cmr. Gutierrez that she would accept the change orders since they needed to be done in order to complete the project. He stated that he submitted a copy of the letter that he sent to Mr. Calzada regarding the work that was done without prior court approval.

Motion carried 4-0 with Cmr. Gutierrez not present.

Item No. 54 Discussion and possible action to approve renewal of contract for Dr. Arturo Garza-Gongora for a Two (2) year term in the amount of \$85,000.00.

Cmr. Velasquez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Mr. Albert Long, representing Sheriff-elect Rick Flores, stated that Mr. Flores was concerned about this item and requested that items of this nature be tabled or taken on a month to month basis until January 1st. Cmr. Velasquez stated that the court needed to act in the best interest of the county. Mr. Homero Ramirez, County Attorney, advised Mr. Long that all contract have a thirty-day termination clause that could be requested by Mr. Flores.

Motion carried 4-0 with Cmr. Gutierrez not present.

Item No. 55 Discussion and possible action to approve renewal contract for Dr. Hector Lopez for One (1) year term in the amount of \$27,600.00.

Cmr. Velasquez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 4-0 with Cmr. Gutierrez not present.

Item No. 56 Discussion and possible action to approve renewal contract for Laredo Health Care Associates for a one (1) year term in the amount of \$85,000.00.

Cmr. Cortez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Gutierrez not present.

Mr. Homero Ramirez, County Attorney, stated that the item should read that the contract is with Mr. Luis F. Mendoza not Laredo Health Care Associates.

- Item No. 22 Recognizing the efforts of Webb County Attorney Homero Ramirez as the recipient of the Operations Enduring LAMP Award from the State Bar of Texas.

Cmr. Cortez stated that this was a great honor that was bestowed upon Mr. Ramirez. He stated that Mr. Ramirez performed pro-bono legal services for military personnel that were called to active duty. He commended Mr. Ramirez for the assistance he rendered to area military personnel. Mr. Ramirez stated that he did not do this for any type of recognition. He stated that when military personnel are activated, many need assistance in legal affairs.

MEDIA BREAK

- Item No. 24 Discussion and possible action relating to the proposal and proposed contract from Landata Technologies for "Restoration and Preservation of Webb County Records" [Possible Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

Mr. Nathan Bratton, Assistant County Attorney, stated that no action was needed on this item since it has been addressed at previous meetings.

- Item No. 25 Discussion and possible action to enter into a Lease, Lease-Purchase or Purchase Agreement with Landata Technologies Inc. for equipment and software to be utilized by the Webb County Clerk's Office for the Records Management of County Clerk records as per the plan approved by the Commissioners Court on September 24, 2004. [Possible Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

- Item No. 26 Discussion and possible action to enter into a contract agreement with Landata Technologies Inc. for preservation of Webb County Clerk Archival Records as per the plan approved by the Commissioners Court

on September 24, 2004. This agreement will have no effect on the General Fund. [Possible Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

Mr. Nathan Bratton, Assistant County Attorney, submitted agreements for Item no. 25 and No. 26 which are being recommended for approval by the court. He stated that he would come before the court in two weeks with an agreement for Data Warehousing.

Cmr. Cortez motioned to approve Item No. 25 and No. 26 as submitted. Cmr. Vasquez seconded the motion.

Motion carried 4-0 with Cmr. Gutierrez not present.

Ms. Margie Ramirez Ibarra, County Clerk, thanked the court for their assistance in this matter and stated that she was excited to move her office forward to better assist the residents of Webb County.

Item No. 27 Discussion and possible action on the approval to grant the County Auditor, authority to expend funds from the Violence Against Women's Act Program, effective September 1, 2004, pending the receipt of all required grant documents and allocation.

Cmr. Vasquez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 4-0 with Cmr. Gutierrez not present.

(Item No. 28, No. 29, No. 30 and No. 31 were acted on together.)

Item No. 28 Discussion and possible action to approve a Resolution Authorizing the filing of a Help America Vote Act (HAVA) Program Grant Application with the Texas Secretary of State; and authorizing the County Judge to act as the County's Executive Officer and Authorized Representative in all matters pertaining to the County's participation in the HAVA Grant Program.

Item No. 29 Discussion and possible action to approve the recommendations by the Webb County Housing Rehabilitation Scoring Committee for the Neighborhood Initiative Program, project grant contract #B-00-NI-TX-WC0002 and authorize the County Purchasing Agent to solicit construction bids in accordance with Grant and County requirements.

All proposed Neighborhood Initiative activity will be paid for through grant funds. (See attached list)

Item No. 30 Discussion and possible action to authorize the County Auditor authority to expend funds from the Webb County CAA-Self-Help Center Program, effective October 1, 2004, pending the receipt of all required documents.

Item No. 31 Discussion and possible action to authorize the Economic Development Department to develop and submit a Community Development Block Grant (CDBG) application for fiscal year 2005-2006 in the amount of \$800,000 with an in-kind match of \$80,000 and authorizing the County Judge to sign all relevant documents.

Cmr. Cortez motioned to approve Item No. 28, No. 29, No. 30 and No. 31 as submitted. Cmr. Vasquez seconded the motion.

Motion carried 4-0 with Cmr. Gutierrez not present.

Item No. 32 Resolution and order authorizing and establishing a central counting station; appointment of the central counting station manager, tabulation supervisor, assistant tabulation supervisors, central counting station presiding judge; and establishing their respective salaries Pursuant to Chapter 127, Texas Elections Code, for the November 2, 2004 General Election.

Cmr. Cortez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Cmr. Cortez requested clarification on whether the fee shown was for one day or for the four days.

Item was deferred until someone from the Elections Administration Office could be contacted.

Item No. 34 Discussion and Possible Action Awarding Change Order No. 3 to Jimmy Closner & Sons Const. Co. Increasing the Contract from \$1,061,393.97 by \$13,550.35 for a total of \$1,074,944.32, for the TWDB-EDAP Rio Bravo Water Line Replacement Project. This change order is for the deletion of 4" & 12" pipe and the installation of 6" & 8" lines, performing boring under the existing streets versus open cuts and addition of 120 working days.

Cmr. Vasquez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 4-0 with Cmr. Gutierrez not present.

- Item No. 35 Discussion and Possible Action Authorizing Amendment No. 3 to CH2M Hill, Inc., increasing the contract price by \$84,750.00 for "Additional Engineering Services" (\$44,750.00) to modify the design requested by the "Value Engineering" and for the extension of the "Construction Services" period for and additional 90 days (\$40,000.00) for the construction of a 2.4 million gallon per day Water Treatment Plant. The contract will increase from \$1,522,500.00 to \$1,607,250.00. This action is subject to Texas Water Development Boards' approval.

Cmr. Vasquez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 4-0 with Cmr. Gutierrez not present.

- Item No. 36 Discussion and Possible Action Authorizing the County Judge to execute a 12 foot utility easement with AEP/CPL for the Justice of the Peace Precinct No. 2 Place 1 & 2 Building located at 901 Milmo Ave.

Cmr. Velasquez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 4-0 with Cmr. Gutierrez not present.

- Item No. 37 Discussion and Possible Action Authorizing the Purchasing Agent and the County Engineer to advertise for "Request for Proposals" for an Architect/Engineer to inspect and evaluate the Court House Annex and provide a recommendation on improvements required to protect the Structure, correct the Hazardous Materials, repairs to the roof, repairs to the mechanical equipment, Architectural Barriers, Historic Preservation and meet the state and federal safety requirements.

Cmr. Vasquez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 4-0 with Cmr. Gutierrez not present.

Item No. 38 Discussion and Possible Action Approving a Resolution stating that Webb County seeks designation as a management agency for wastewater collection and treatment within its CCN area map boundaries in accordance with the requirements of Section 208 of the Federal Water pollution Control Act, as amended for the Colonias Hwy 59 Facility Plan.

Cmr. Velasquez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 4-0 with Cmr. Gutierrez not present.

Item No. 39 Discussion and Possible Action Authorizing the county Engineer and the Road & Bridge Superintendent to commence the paving and storm drainage improvements for Bruni, Mirando & Oilton as per the specifications prepared by Naismith Engineering (Oilton) and Sherfey Engineering (Bruni & Mirando).

Mr. Tomas Rodriguez, County Engineer, stated that this would be done in-house since the grant monies would not be enough to hire someone in the public sector.

Cmr. Velasquez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 4-0 with Cmr. Gutierrez not present.

Item No. 40 Discussion and possible action to fill slot # 2038 and 1616 full-time CDA Teacher Assistant (40 hrs/week for 10 months) with an annual salary of \$14,397 effective October 15, 2004 through May 28, 2005 for a total prorated salary of \$10,470.40.

Cmr. Vasquez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 4-0 with Cmr. Gutierrez not present.

Item No. 41 Discussion and possible action to fill slot # 1357, full-time CDA Teacher Assistant (40 hrs/week for 11 months) with an annual salary of \$15,705 effective October 15, 2004 through June 24, 2005 for a total prorated salary of \$11,844.

Item No. 42 Discussion and possible action to fill slot # 1801, 1698 and 2050, part-time Substitute Teacher (15 hrs/week for 10 months) with an annual

salary of \$4,721, effective October 13, 2004 through May 28, 2005 for a total prorated salary of \$3,432.

Cmr. Vasquez motioned to approve Item No. 41 and No. 42 as submitted. Cmr. Cortez seconded the motion.

Motion carried 4-0 with Cmr. Gutierrez not present.

- Item No. 43 Discussion and possible action to ratify the Head Start Child and Adult Care Food Program Application for FY 2004 - 2005 (October 1, 2004 – September 30, 2005).

Cmr. Velasquez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 4-0 with Cmr. Gutierrez not present.

- Item No. 44 Discussion and possible action to grant Plat Approval of the Bonanza Hills Subdivision, Phase I and grant a waiver from Section IX.2. of the Subdivisions Regulations allowing cross street spacing to exceed 1,500. feet. The Planning Advisory Board recommended approval of this item at their meeting of September 29, 2004.

Cmr. Cortez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 4-0 with Cmr. Gutierrez not present.

- Item No. 45 Discussion and possible action to issue "Certification(s) Regarding Compliance with Plat Requirements and the Connection of Utilities" to authorize utility connection(s) to the following site(s):

Connection(s) qualifying under Section 232.029 © (1):

1. Block 5, Lot 17, Pueblo Nuevo Subdivision (authorize electricity only to a total of three dwellings established prior to May 1, 1997 and as identified in the aerial photography flown January, 1995).

Cmr. Vasquez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 4-0 with Cmr. Gutierrez not present.

- Item No. 46 Discussion and possible action to authorize the filling of Slot No. 010-0102-1961 (Planning Coordinator) through the internal promotion of employee in Slot No. 010-0102-2055 effective October 12, 2004; and

authorizing the Planning Department to advertise and fill Slot No. 010-0102-2055 (Data Mapping Coordinator/Inspector) upon selection of a qualified candidate.

Cmr. Vasquez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Gutierrez not present.

- Item No. 47 Discussion and possible action to authorize the transfer of \$3,000.00 from line item 010-0102-5005 (Temporary Part-Time) into line item 010-0102-5001 (Payroll) as necessary to pay Annual Leave accumulated by former employee under Slot No. 010-0102-1961.

Cmr. Vasquez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Gutierrez not present.

- Item No. 48 Discussion and possible action to authorize the Purchasing Agent to obtain three (3) Cellular Phones for Road and Bridge Supervisors from Verizon Wireless.

Cmr. Vasquez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 4-0 with Cmr. Gutierrez not present.

- Item No. 49 Discussion and possible action to authorize the Purchasing Agent to purchase video equipment from Texas Media in the amount of \$5,330.00 for M.I.S. Department from account #660-0101-8801.

Cmr. Vasquez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 4-0 with Cmr. Gutierrez not present.

- Item No. 50 Discussion and possible action to authorize the Purchasing Agent to award Bid No. 2004-66 "Law Books" to the highest bidder: Law Office of Mario A. Castillo.

Mr. Eloy Ramirez, Purchasing Agent, stated that the books being sold are publications that have been revised and those not sold will be destroyed. He stated that Mr. Castillo bid \$50.00 for some books and Mr. Garcia submitted a late bid of

\$125.00 for other books. Mr. Garcia requested that the court accept his bid since there is no conflict on the books being requested.

Cmr. Vasquez motioned to accept both bids. Cmr. Cortez seconded the motion.

Motion carried 3-0 with Cmr. Gutierrez not present and Cmr. Velasquez abstaining.

- Item No. 51 Discussion and possible action to authorize the Purchasing Agent to award Proposal No. P-2004-07 "Sheriff's Communication Tower" to the lowest and responsible bidder: RCC Consultants, Inc.

Mr. Eloy Ramirez, Purchasing Agent, requested that this item be deferred.

Cmr. Vasquez motioned to defer Item No. 51. Cmr. Cortez seconded the motion.

Motion carried 4-0 with Cmr. Gutierrez not present.

- Item No. 52 Discussion and possible action to ratify the renewal of the Property/Casualty/Liability Insurance Package and decline TRIA Terrorism coverage from McGriff, Seibels & Williams of Texas, Inc., through St. Paul Travelers Companies, Illinois Union Insurance Company and National Union Fire Insurance Company to be effective October 1, 2004, and authorization for the County Judge to execute all relevant documents. [Account #001-0105-6032 (Prop/Cas / Liab Premium)]

Cmr. Vasquez motioned to approve item as submitted. Cmr. Velasquez seconded the motion with discussion.

Cmr. Velasquez inquired whether the premium had remained the same or by how much it increased. Mr. Jorge Flores, Interim Risk Manager, stated that the premium increased from \$720,000 to \$780,000, an increase of 8.4%. He stated that this was a small increase compared to the increase of 25% the previous year.

Motion carried 4-0 with Cmr. Gutierrez not present.

- Item No. 53 Discussion and possible action to reimburse the Laredo Community College police academy an amount not to exceed \$8,000.00 for training expenditures from account 168-2001-6707.

Cmr. Vasquez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Gutierrez not present.

- Item No. 64 Discussion and possible action related to litigation threatened by the Texas Commission on Jail Standards. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney-pending litigation)]

Mr. Jim Allison stated that item was to update court on legal matters relating to jail issues. He stated that positive progress has been made in all areas and issues addressed by the Texas Commission on Jail Standards. He stated that some plumbing repairs are pending due to parts on back order. He stated that the operation system has also been improved and is currently operating above standards. He commended the jail staff for the great job that they have done in improving the conditions of the jail. He stated that he was certain that they would be successful in the recertification of the jail and the removal of the remedial order. Judge Bruni congratulated Mr. Allison for the great legal assistance he provided as well as the jail staff for their work in this matter, especially Major Hernandez and Mr. Carlos Villarreal.

Mr. Homero Ramirez, County Attorney, stated that no further action was required at this time.

- Item No. 66 Discussion and possible action regarding payment of medical expenses for spouse and child of employee who was misinformed by Risk Management Department regarding coverage for pre-existing medical condition of spouse in connection with "opt-out" provisions of the Health Insurance Portability and Accountability Act ("HIPAA"). Executive Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, Sections 551.071 (Consultation with Attorney) and 551.074 (Personnel Matters).

Mr. Homero Ramirez, County Attorney, stated that the court can authorize payment of medical expenses and/or find out where the error occurred.

Cmr. Vasquez motioned to table item until the next meeting. Cmr. Cortez seconded the motion.

Motion carried 3-0 with Cmr. Gutierrez and Cmr. Velasquez not present.

Adjournment

Cmr. Vasquez motioned to adjourn the meeting. Cmr. Cortez seconded the motion.

Motion carried 3-0 with Cmr. Gutierrez and Cmr. Velasquez not present.

No Action was Taken on the Following Items:

- Item No. 59 Discussion and possible action regarding employee grievance filed by former Veterans Service Officer Jesus E. Cantu. Executive Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, Sections 551.071 (Consultation with Attorney) and 551.074 (Personnel Matters).
- Item No. 60 Discussion and possible action regarding employee grievance filed by Treasurer's Office employee, Bernadette L. Guerrero. Executive Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, Sections 551.071 (Consultation with Attorney) and 551.074 (Personnel Matters)]
- Item No. 61 Discussion and possible action regarding employee grievance filed by former Webb County Indigent Services Program Interim Director Francisco X. Salinas. Executive Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, Sections 551.071 (Consultation with Attorney) and 551.074 (Personnel Matters).
- Item No. 62 Discussion and possible action regarding employee grievance filed by Treasurer's Office employee, Aurora P. Saucedo. [Executive Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, Sections 551.071 (Consultation with Attorney) and 551.074 (Personnel Matters)]
- Item No. 63 Discussion and possible action related to litigation concerning 17-acre tract known as One River Park Subdivision. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney-pending litigation)]
- Item No. 65 Discussion and possible action related to possible litigation concerning Webb County Bridge project. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney-pending litigation)]